

**From:** [Shade, Kevin](#)  
**To:** [Foster, Anne](#); [Miller, Gary](#); [Werner, Robert](#)  
**Cc:** [Johnson, Lydia](#)  
**Subject:** San Jacinto Financial Assurance - FW: CERCLA FA: settlement sample updates; and UAO drafts  
**Date:** Thursday, March 26, 2015 3:36:15 PM  
**Attachments:** [FINAL DRAFT - UAO FA - 3-24-15.docx](#)  
[FINAL DRAFT v14 - CERCLA UAO sample trust - 3-26-15.docx](#)  
[FINAL DRAFT - CERCLA UAO sample LOC - 3-13-15.docx](#)

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Anne, Gary, and Bob,

Please see the attached FINAL DRAFT instruments for the letter of credit under a UAO. As Craig mentions below, and I mentioned in a prior email, the UAO will need to have a stand-by trust established. You may need to amend the UAO to require this.

We can meet and discuss if you wish.

Kevin

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**From:** Kaufman, Craig  
**Sent:** Thursday, March 26, 2015 3:27 PM  
**To:** Shade, Kevin  
**Cc:** Kulpan, Bruce; Linett, Janice; Threet, Derek  
**Subject:** RE: CERCLA FA: settlement sample updates; and UAO drafts

Kevin: we are very close to issuing model UAO FA language and samples (hopefully by April). Perhaps not coincidentally on the timing front, I'm actually leaving the Agency in a matter of days (no later than 3/31/15), so Derek (copied) and others will be covering FA when I'm gone, so please work with Derek to resolve these issues. Happy to discuss before then, though, if you'd like. The problem as I see it with your situation is that the UAO has already been issued, so you'd have to amend the UAO to do what we're trying to accomplish with the documents to be issued (i.e., require the PRP to establish a standby trust to go along w/ the LOC). In any event, attached are the latest, near-final drafts of the UAO FA language, the UAO trust sample, and the UAO LOC sample. Best of luck. It's been great to work with you. Thanks.

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**From:** Shade, Kevin  
**Sent:** Thursday, March 26, 2015 4:12 PM  
**To:** Kaufman, Craig  
**Subject:** RE: CERCLA FA: settlement sample updates; and UAO drafts

Hi Craig,

What's the status of formally releasing the models? We have a PRP under a UAO that wants to switch to a LOC. I was going to provide the site attorney (Anne Foster) and RPM (Gary Miller) with the drafts from Dec as guidance, but wanted to see if there is a more recent version to use.

Thanks



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Kevin